

THE DAILY CHIEFTAIN



VOL. 1, NO. 161.

VINITA, IND. TER., FRIDAY EVENING, APRIL 7, 1899.

PRICE 10c WEEK

WHAT SECTION 17 MEANS.

A Communication to the District Attorney.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 4, 1899.

Hon. P. L. Soper, U. S. District
Attorney, Vinita, I. T.

Dear Sir:—We have the honor to acknowledge receipt of your letter of April 3rd, 1899, in which you quote an editorial published in The "Chieftain" under date of March 28th, 1899, relative to the selection by Cherokee citizens of eighty acres of land each, in which letter you request the views of the commission as to certain provisions of the Curtis bill and the intent of the rules of the secretary of the interior of October 7, 1893, providing for the establishment of an office within the limits of the Cherokee nation, at which citizens may select eighty acres as a preliminary allotment in aid of the general allotment of lands of said tribe.

Section 17 of the act of June 28, 1898, known as the Curtis act, is as follows:

"That it shall be unlawful for any citizen of any one of said tribes to inclose or in any manner, by himself or through another, directly or indirectly, to hold possession of any greater amount of lands or other property belonging to any such nation or tribe than that which would be his approximate share of the lands belonging to such nation or tribe and that of his wife and his minor children as per allotment herein provided; and any person found in such possession of lands or other property, in excess of his share and that of his family, as aforesaid, or having the same in any manner inclosed, at the expiration of nine months after the passage of this act, shall be deemed guilty of a misdemeanor."

This language seems to be clear, and we think means just what it says, and taken in connection with other provisions of the act, requires that every citizen of the Cherokee nation in possession of lands, the value of which exceeds his share of the lands of the tribe, shall, after March 28th, 1899, relinquish possession of such excess, and hold only his approximate share in value of the tribal domain.

Section 18 of said act, fixes a penalty of \$100 for each day on which a citizen may fail to comply with the provisions of said section 17.

The rules of the secretary of the interior above referred to, simply provide that each citizen may select eighty acres of land without regard to value, except where the same, by reason of its location, is of greater value than the per capita share of a Cherokee citizen, the possession and occupancy of which he may hold exclusively until general allotment of lands provided for in said act, when, under provisions thereof, the lands are to be divided among the members of the tribe in such manner as to give to each his share in value of the entire Cherokee domain.

The per capita acreage of Cherokee lands has been variously estimated at from one hundred and twenty-five to one hundred and forty acres, without regard to value, but it is believed that eighty acres of the best land, or of the second grade land, will be in value, the full allotment of a Cherokee citizen. We presume the sec-

retary of the interior, for this reason, fixed eighty acres as the amount to be selected by each citizen prior to final allotment.

This arrangement is intended to encourage citizens in the settlement of homes upon the public domain and to facilitate the work of final distribution of the lands of the tribe; and certainly no reasonable objection can be made thereto by any person, except by one who desires to continue to hold more than his share.

Such selection, therefore, may be made by a citizen, at his option. He is not compelled to do so. If at the time of general allotment his selection is found to be, in value, his full share, he will receive no more. If less, then other lands will be allotted to him, in order to make up his full share. If in excess of his share provision of some kind will be made by which his allotment will be reduced and made equal to that of other citizens. Selections thus made under the rules of the secretary, are not intended to and cannot in any manner affect the rights of a citizen to hold lands according to the provisions of the Curtis bill, which authorizes him to occupy, use and receive the benefits from his approximate share in value of the whole lands of the tribe until final allotment, but require that he hold no more.

No expression, either oral or written, has ever gone out from the Dawes commission contrary to the construction of the Curtis bill and rules of the secretary as hereinbefore given. On the contrary, numerous letters have been written to citizens throughout the territory, many of which have gone to citizens of the Cherokee nation, in keeping with this construction.

The editorial to which you refer and others of like character, could not, therefore, have been predicated upon any expression coming from this commission.

The only duty enjoined upon the commission in the premises, is to establish an office within the limits of the Cherokee nation for such purpose, which will be done, as early as it may be able to do this work properly efficiently. With the further execution of the law, this commission has nothing whatever to do. This is left to others in whom the government has reposed its confidence, and these may at all times be assured of the friendly co-operation and hearty support of the members of the commission in the execution of the law as it is written.

Very respectfully,

TAMM BIXBY,
A. S. MCKENNON,
T. B. NEEDLES,
Commissioners.

Will Not Choose 160 Acres.

The Dawes commission are not going to allow people who choose their allotment contiguous to Muskogee to take the full 160 acres, but on the contrary only be allotted that amount which will make it the standard value of an allotment. This will greatly effect the plans of a number of people who have allotments improved adjoining the town and is liable to be a disturbing element before the courts as a number claim that they are entitled to their full 160 acres and will contest the same in the courts. From present prospects the enforcement of the Curtis bill will afford endless litigation in the courts.—Phoenix.

We Believe in "Expansion"

and we are getting ready to "expand" on a large scale. Within the next ten days we will have in operation a complete

Clothing & Furnishing Store

in the room formerly occupied by Brock's Novelty store. In the meantime we will offer some of the greatest values in Men's and Boys' Clothing you have ever seen in Vinita. Double breasted, silk faced, blue serges are the proper thing for early spring. We have them in large variety, which we would be pleased to show you.

W. R. BADGETT MER. CO.

TEXAS GIRL A-WHEEL.

Short Stop at Vinita Prevents a Reception.

Miss Ernie Bloss, the young lady who is going to New York City from Fort Worth, Texas, on her wheel—a Crescent, the kind Ming sells—arrived in Vinita today at 12:30 and was entertained at the Cobb. She was detained at Adair by the rain and was lost near Muskogee but is not one bit discouraged and is sure she can make the trip in 60 days. She has been on the road two weeks today and left here at one o'clock expecting to reach Parsons tomorrow. She carries a 38 calibre revolver which she can use with skill, if necessary. She will follow the M., K. & T. to St. Louis and the Wabash east to Sandusky, Ohio. She has been riding the wheel only one year yet it is said, is an expert. On reaching New York she may conclude to continue her trip to Europe—if wheeling is good, probably. A purse of \$2,000 is to be given the lady as soon as she reaches New York. It is said that there was never a broncho so wild that Miss Bloss was not able to conquer and ride and she handles a Winchester with the dexterity of an old time plainsman and Indian fighter.

At Muskogee elaborate and extensive preparations were made for the lady's entertainment. Frank C. Hubbard, chief deputy marshal, rented a wheel and went clear down to Summit to meet the heroine. Court "rose" for an hour and the judge made several feeling and touching remarks, and had to be taken away, and so it has been, one ovation after another from Wagoner to Wybark and from Chicky-Chocky to Oktaha.

Sweet Potato Seed,

Irish Potato Seed,

All Kinds of

Garden Seed

And

Onion Sets,

Bran, Chop and Corn

At

J. C. Gray's.